

# Children, Social Science, and the Law

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## **Children, Social Science, and the Law**

### *An Introduction to the Issues*

Bette L. Bottoms, Margaret Bull Kovera,  
and Bradley D. McAuliff

As noted by Goodman, Emery, and Haugaard (1998), “there are few other areas of law where the courts rely as heavily on social science data as they do for decisions about children’s welfare” (p. 775). The primary goal of *Children, Social Science, and the Law* is to facilitate that reliance. We believe researchers in this field have an obligation to understand child-relevant law and policy so that they are prepared to conduct research that is useful to courts, policy makers, and practitioners. Legal professionals and practitioners must then understand and use that research. We designed our book specifically to help both groups of professionals meet these critical responsibilities and, in turn, improve children’s quality of life under the laws and policies of the United States.

*Children, Social Science, and the Law* broadens the field’s conceptualization of the topic “children and the law” in ways not attempted previously, raising consciousness about a wide-ranging set of issues in great need of theoretical, empirical, and legislative attention. Some chapters address the newest research in subfields that fortunately have burgeoned over the last decade (e.g., children’s eyewitness testimony, child abuse and neglect). Other chapters are in-depth considerations of novel issues that have received far less attention than they deserve (e.g., the impact of welfare policies on children, law and policy related to gay and lesbian parenting). Many difficult questions are confronted: Are the rights that our nation’s laws ascribe to children commensurate with their capabilities and

needs? Are law and policy effective in promoting the best living arrangements for children whose families have changed through divorce, adoption, and so forth? How should laws governing the punishment of crime acknowledge developmental differences between adult and juvenile offenders? Can social policies and laws protect children from maltreatment? Is the testimony of child witnesses adequately received and accommodated in courts of law? These issues necessarily draw the attention of policy makers and politicians who create and change law; professionals such as judges, lawyers, and police officers who interpret and implement law; and social science researchers who study the assumptions behind and the effects of law and policy.

An impressive array of the most well-regarded experts in the field have written the chapters appearing in this volume. They include social scientists, who provide insights gained from their own and others' research programs, and legal experts, who stress legal analysis and synthesis as well as policy implications. All have reviewed current research and law relevant to their particular topic, and they have made recommendations about future trends and needs. Although the contributions are grounded in high-quality work (empirical or legal), our authors have written for a broad audience of novices and experts from various fields. As such, *Children, Social Science, and the Law* can educate multidisciplinary readers about current research and policy, and it can serve as a stimulant for future collaborative thought, research, and action. With its unique integration of psychological research, social policy, and legal analysis, the volume is an important resource for any professional concerned with children and the law, including researchers, attorneys, judges, policy makers, legislators, and mental health, social service, and police professionals. The book will also be of interest to students and instructors in related disciplines.

#### A PREVIEW OF THE CONTRIBUTIONS

*Children, Social Science, and the Law* is divided into five interrelated parts: (a) Children's Rights, Their Capabilities, and Society's Responsibilities to Children; (b) Children and Family Change; (c) Juvenile Aggression and Juvenile Justice; (d) Children as

Victims and Witnesses; and (e) Conclusions and Future Directions. Several fundamental themes weave throughout each part: First, what are the current laws and policies relating to children? How do these laws and policies accommodate – or fail to accommodate – children’s special needs and rights? Second, how can social science research be used to test assumptions behind child-relevant laws and policies and, in so doing, inform the creation, interpretation, and implementation of laws and policy that will protect and serve our nation’s youth? Third, how can courts and legislators become more receptive to social science recommendations? Finally, what challenges are faced in the 21st century as our society continues its struggle to accommodate children’s concerns within our legal system? What should future research and policy goals be? All authors address these themes as they consider their individual topics; therefore, all chapters highlight research that can inform current policies and law and outline future challenges that must be met for the field to continue producing scientifically sound research that will have real impact on children’s lives. Next, we preview the contributions within each section of our book.

### **Children’s Rights, Their Capabilities, and Society’s Responsibilities to Children**

The chapters in Part I consider law, policy, and social science relevant to society’s attempts to accommodate children as full persons under the law. The competing interests of children’s, parents’, and states’ rights complicate many circumstances faced by children, from receiving welfare assistance to custody determinations. The authors of these chapters champion the children’s advocacy perspective, arguing that children should be guaranteed essentials that adults take for granted such as financial assistance, legal representation, and the right to participate in decisions central to their lifestyle and well-being. The authors are also careful, however, to illustrate advocacy that is appropriate (e.g., advocacy for rights commensurate with children’s developmental capacities).

First, Wilcox, Colman, and Wyatt examine one of the most sweeping policy changes in decades: the end of welfare as the nation had known it since the 1930s. The authors examine recent research on

the implications of the Personal Responsibility and Work Opportunity Reconciliation Act for the well-being of children in poverty – a startling 19% of all children. Specifically, they address opportunities and risks posed by the new laws in the domains of family–child interactions, child development, child maltreatment, and teen parenting. They preview ongoing evaluations of long-term outcomes, research that will surely inform future law and social policy related to poor children and their families.

Next, Small and Limber trace societal and governmental changes relevant to understanding children's rights in our nation, provide a history of diverging advocacy movements (children's right to self-determination versus rights to basic health and safety), and review the implications of the United Nations Convention on the Rights of the Child (United Nations General Assembly, 1989) and influential reports from the U.S. Advisory Board on Child Abuse and Neglect (1991). Their chapter provides a practical blueprint for future research on children's rights and for social action on behalf of children.

Schmidt and Reppucci focus on matches and mismatches between children's rights and children's developmentally determined cognitive and socioemotional capabilities. The authors provide thorough reviews of child and adolescent self-determination and protection rights in juvenile justice, medical, educational, and family contexts. Then, by applying the findings of developmental psychology research, the authors provide a sophisticated analysis of children's understanding of the law and their rights, and of children's competence to make legally relevant decisions. This analysis reveals that children's actual competencies sometimes differ in important ways from the legal system's assumptions about their competencies. Their chapter illustrates that determining the nature of both actual and perceived competencies is essential in ensuring that children are guaranteed all rights commensurate with their competencies.

Finally, Haralambie and Nysse-Carris consider a specific right that has begun to receive an increasing amount of attention within the legal profession: children's right to legal representation. The authors outline the development of the legal subspecialty of children's legal representation and contrast several models for

representing children's voices in legal proceedings. They offer concrete suggestions for social science research that could inform future models of legal representation for children. Researchers addressing their suggestions have the potential to start a unique subfield of legally relevant social science research.

### **Children and Family Change**

Next, our book turns to issues that arise when children are involved in special and changing family situations. Social science findings are already frequently represented in adjudications surrounding divorce, custody, and adoption, because psychological research relevant to these situations is well established. But as our authors attest, the field has much more to offer on a variety of issues that arise in these situations. For example, Haugaard and Avery address the competing interests of parents, children, and the state that are necessarily at stake when parental rights must be terminated to free children for adoption. With a focus on situations in which maltreatment drives termination, the authors provide a detailed description of the legal process of parental rights termination, and they review literature on the consequences to children of being involved in termination situations. They illustrate the precarious balance between the risks and benefits associated with prompt versus protracted termination proceedings and between the states' goals of protecting children from harm versus preserving families.

Family change often involves new custody arrangements for children. Depner reviews social science research that has the potential to guide child custody policy. She considers risks and protective factors that determine outcomes for children involved in various family reorganization alternatives, and she shows how a careful consideration of these factors is necessary for effective child-specific custody plans. Depner's chapter provides judges and other decision makers with practical recommendations based on the best research currently available.

Patterson, Fulcher, and Wainwright focus on a unique family law issue: the mismatch between social science evidence and legal assumptions concerning gay and lesbian parenting. The accessibility of vivid examples of this mismatch underscores the growing

importance of the topic. For example, a recent Virginia State Supreme Court ruling that denied a lesbian mother custody of her biological child because of her sexual orientation (*Bottoms v. Bottoms*, 1995) stands in direct contrast to research discrediting assumptions that lesbian and gay parents are unfit (e.g., Patterson, 1992, 1995). Patterson and colleagues' detailed examination of law, policy, and science related to lesbian and gay parenting will educate policy makers and spark much new research in this nascent field.

### **Juvenile Aggression and Juvenile Justice**

At the turn of the 20th century, legal reform based on the assumption that juveniles lacked maturity and judgment led to the establishment of the juvenile court system (Whitebread & Heilman, 1988). Some 60 years later, the U.S. Supreme Court deemed this approach a failure (*Kent v. United States*, 1966) and provided children with due process rights (*In re Gault*, 1967). That ruling ironically turned juvenile courts into closer approximations of the adult criminal justice system. One hundred years later, policies that transfer younger and younger juveniles to adult courts have done even more to preclude the consideration of maturational factors that separate juveniles from adults. Enter the role of social science research: to document the developmental progression of capacities relevant to the legal context. Our next group of chapters considers the constellation of factors surrounding today's juvenile justice system and juvenile offender.

First, Salekin describes the historical and contemporary legal context necessary for understanding issues surrounding the transfer of juveniles to adult criminal courts. His exhaustive review of clinical and developmental psychology findings relevant to understanding aggressive behavior in adolescents leads him to conclude that in most cases, the legal assumption that adults and juveniles are equivalent is misguided, and therefore, that many transfers are unwarranted from a psychological perspective. Fried and Reppucci approach similar issues from a different theoretical perspective. They focus on social and community factors that mediate the development of youth violence, and they use prevention and intervention theories to illustrate how policies could help prevent juvenile

delinquency. They also offer practical suggestions to improve predictions about juveniles' future dangerousness and their amenability to treatment.

Woolard's chapter complements the earlier chapter by Schmidt and Reppucci by focusing on children's decision-making capacity in the juvenile justice context. She evaluates the match between what courts demand from juvenile defendants and juveniles' actual capacities (e.g., their ability to make mature judgments, to understand their rights and the law, and to reason about their life situations). She underscores the need for juvenile courts and developmentally sensitive policies, both of which are increasingly threatened in today's society.

### **Children as Victims and Witnesses**

Thankfully, at the turn of the 21st century, concerns about child maltreatment and children's eyewitness testimony have resulted in much research and many useful books (e.g., Bottoms & Goodman, 1996; Briere, Berliner, Bulkley, Jenny, & Reid, 1996; Ceci & Bruck, 1995; Goodman & Bottoms, 1993; Melton & Barry, 1994; Schwartz-Kenney, McCauley, & Epstein, 2001; Westcott, Davies, & Bull, in press). *Children, Social Science, and the Law* is unique in its attention to a much broader, and often overlooked, set of circumstances in which children, law, and policy collide. Even so, no book on children and the law could ignore the topic of child maltreatment and the accommodation of child witnesses in the legal system. Thus, the chapters in Part IV address these issues by considering the newest research and legal thinking in the field.

First, Berman, Silverman, and Kurtines address a new and increasingly important area of child maltreatment research: the impact of exposure to and victimization by community violence. Exposure to crime and violence is a way of life for many children in the United States, especially poor minority children, for whom this is yet one more of many serious burdens. Perhaps because of the disenfranchisement of its victims, this form of child maltreatment has been slow to receive attention. Berman and colleagues move the field forward by reviewing the serious adverse effects of community violence on children's well-being and by delineating strategies



for clinical intervention to attenuate negative psychological symptoms. They also outline individual, community, and societal strategies that could promote better prevention and treatment efforts.

Next, McFarlane, Doueck, and Levine review available research on the efficacy of prevention policies in deterring child abuse and neglect. This topic is particularly timely as the field attempts to understand reasons for significant recent declines in child maltreatment reports. According to Jones and Finkelhor (2001), nationwide reports of child sexual abuse have declined 26% since 1991, with case substantiations dropping 31% since 1992. Decreases in other forms of child maltreatment have been more recent and less dramatic. Is this the result of prevention policies such as parenting skills training, school-based education programs, mandated reporting policies, and community sex offender notification laws? (Or, as discussed later, do the decreases reflect societal skepticism about children's reports?) McFarlane et al.'s detailed assessment of prevention strategies illustrates why some efforts have failed, particularly those predicated on intuitive assumptions driven by political motive rather than empirical findings and theoretical reasoning.

The remaining chapters in this part consider the basic science contributions and the applied implications of psychological research testing legal assumptions about children's actual and perceived eyewitness competencies. The chapters consider children's actual eyewitness abilities in forensic interviews and court proceedings, as well as the effects of courtroom accommodations on children's perceived and actual eyewitness competence. The authors illustrate how research using ecologically valid techniques has yielded generalizable results of importance to law and policy. They also point, however, to the limits of using research findings in court. Specifically, in a detailed review of children's eyewitness testimony research, Schaaf, Alexander, Goodman, Ghetti, Edelstein, and Castelli illustrate that a multifaceted understanding of individual, developmental, and social factors is needed to understand child witnesses' weaknesses and strengths, and that application of research to actual legal cases must be made carefully. In particular, they worry that overgeneralization of findings from "false memory research" focuses inordinate societal skepticism on children's reports, particularly on their disclosures of child abuse.

Lyon further develops this theme in his consideration of the courts' use of children's eyewitness suggestibility research. In particular, Lyon performs a sophisticated legal analysis of the admissibility of children's testimony research, concluding that courts can no longer exclude such research. In so doing, he has provided a handbook for evaluating expert testimony on children's suggestibility. He argues that the courts' increasing receptivity to social science findings must be coupled with serious scrutiny of the generalizability of child witness studies to specific cases at hand, scrutiny that he believes will exclude many studies often offered to discredit children's testimony.

Recognizing that certain features of traditional trial proceedings may make children reluctant to testify about their abuse and decrease their accuracy, legislatures and courts have introduced various evidentiary and procedural innovations to help facilitate children's accurate testimony in criminal abuse cases. McAuliff and Kovera review social science evidence on the use and effect of these innovations. They conclude that U.S. courts use most innovations infrequently, and that although innovative procedures have little effect on jurors' perceptions of a defendant, they are associated with more negative evaluations of child witnesses under some circumstances. As with Lyon's chapter, legal professionals will appreciate their practical, research-based recommendations that can guide choices about using special techniques in child witness cases.

## **Conclusions and Future Directions**

In the first of two concluding chapters, Gary Melton emphasizes the need not only for appreciating the fruits of the recent bonding of social science and law, but also for recognizing how the bonding can produce even more benefits in the future. He points out that although courts now often reference social science evidence when it is obviously relevant, "reference" does not often mean "acceptance" or even "understanding." Melton highlights two of the most formidable challenges faced by social scientists who hope to influence the law: (a) courts' intuitions about human behavior are often more persuasive than empirical research and (b) the generalizability

of social scientists' research to legal issues is often severely limited by inappropriate methodology. His overarching theme, however, is one of optimism for "a new generation of research" that will advance our understanding of the ways in which law influences children's lives.

The book's final chapter, written by the Director of the American Bar Association's Center on Children and the Law, is a frank examination of barriers to child-friendly laws, policies, and practices. With lapsed patience in the face of years of inaction, Davidson indicts legislators for ignoring social science findings while passing "politically correct" legislation, for failing to finance efforts to help children, and for lacking the courage to embrace children's rights formally by signing the United Nations Convention on the Rights of the Child – as has every other recognized nation in the world. We applaud his courage for pointing to some of the most pressing issues our country faces, pressing issues that we hope our book will advance to the forefront of action.

In conclusion, action on behalf of children must be taken by both social scientists and policy makers. Social scientists must use solid psychological theory and ecologically valid methods to test important legal assumptions, and they must find successful ways to disseminate the results to policy and law makers (Bottoms, Reppucci, Tweed, & Nysse, in press; Melton, 1987). In turn, those who make and change law must heed the results of this research. Only when these goals have been realized will research be successful in changing children's lives. We believe that *Children, Social Science, and the Law* can hardly fail to realize its potential to facilitate these goals: For policy makers, the book will serve as a conduit for the latest findings relevant to law and policy, and for social science researchers and students, it will challenge old beliefs and provide new ideas about the types of socially relevant research needed.

The new century presents unprecedented opportunities for researchers and policy makers to join in a partnership to improve children's lives. We hope both groups of professionals recognize the possibilities and listen to the messages so clearly articulated by the field's most well-respected experts in *Children, Social Science, and the Law*.

## References

- Bottoms v. Bottoms*, No. 941166 (Va. 1995).
- Bottoms, B. L., & Goodman, G. S. (Eds.). (1996). *International perspectives on child abuse and children's testimony: Psychological research and law*. Newbury Park, CA: Sage.
- Bottoms, B. L., Reppucci, N. D., Tweed, J., & Nysse, K. (in press). Children, psychology, and law: Reflections on past and future contributions to science and policy. In J. Ogloff & R. Roesch (Eds.), *Taking psychology and law into the twenty first century*. New York: Kluwer Academic/Plenum Publishers.
- Briere, J., Berliner, L., Bulkley, J. A., Jenny, C., & Reid, T. (Eds.). (1996). *The APSAC handbook on child maltreatment* (pp. 51–71). Thousand Oaks, CA: Sage.
- Ceci, S. J., & Bruck, M. (1995). *Jeopardy in the courtroom: A scientific analysis of children's testimony*. Washington, DC: American Psychological Association.
- Goodman, G. S., & Bottoms, B. L. (Eds.). (1993). *Child victims, child witnesses: Understanding and improving testimony*. New York: Guilford.
- Goodman, G. S., Emery, R. E., & Haugaard, J. (1998). Developmental psychology and law: Divorce, child maltreatment, foster care, and adoption. In I. Siegel & A. Renninger (Eds.), *Child psychology in practice* (pp. 775–876), in W. Damon (Series Ed.), *Handbook of child psychology* (Vol. 4). New York: Wiley.
- In re Gault*, 387 US 1, 87 S.Ct. 1428, 18 L. Ed. 2<sup>nd</sup> 527 (1967).
- Jones, L., & Finkelhor, D. (2001). *The decline in child sexual abuse cases*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Kent v. United States*, 383 U.S. 541, 86 S.Ct. 1045, 16 L.Ed.2d 84 (1966).
- Melton, G. (Ed.). (1987). *Reforming the law: Impact of child development research*. New York: Guilford.
- Melton, G. B., & Barry, F. D. (1994). *Protecting children from abuse and neglect: Foundations for a new national strategy*. New York: Guilford.
- Patterson, C. J. (1992). Children of lesbian and gay parents. *Child Development*, 63, 1025–1042.
- Patterson, C. J. (1995). Lesbian mothers, gay fathers, and their children. In A. R. D'Augelli & C. J. Patterson (Eds.), *Lesbian, gay, and bisexual identities across the lifespan: Psychological perspectives* (pp. 262–290). New York: Oxford University Press.
- Schwartz-Kenney, B. M., McCauley, M., & Epstein, M. A. (Eds.). (2001). *Child abuse: A global view*. Westport, CT: Greenwood.
- United Nations General Assembly (1989, November 17). *Adoption of a convention on the rights of the child*. U.N. Doc. A/Res/44/25.
- U.S. Advisory Board on Child Abuse and Neglect (1991). *Creating caring communities: Blueprint for an effective federal policy on child abuse and neglect*. Washington, DC: U.S. Government Printing Office.